

REMARKS

Reconsideration in view of the following remarks is respectfully requested. The Applicants have reviewed the First Office Action of July 2, 2003 (the Office Action), and respectfully assert that this paper responds to all points raised.

I. Allowable Subject Matter

The Applicant notes the Examiner's acknowledgment of the allowable subject matter Claims 1-16 and 21. Applicant accepts the allowance of Claims 1-16 and 21.

II. Response to Rejections Under 25 USC §103(a)

Claims 17, 18, and 20 were rejected under 35 USC §103(a) as being unpatentable over Yamazaki et al. U.S. Patent No. 3,962,355 (the '355 patent).

The Examiner bases her rejection on the '355 patent that disclose an invention related to a method for producing a dehydrated fried snack food from fruits and vegetables. The specific method of producing the food product teaches: cutting apples into pieces; placing the pieces in a sugar syrup; draining any excess syrup from the pieces; drying the drained pieces using hot air until reaching a moisture content of 6% to 8%; frying the dried pieces in oil for 3 to 4 minutes at a reduced pressure of 0 to 160mm Hg; and, cooling the fried pieces until hardened.

The '355 patent can be distinguished from the present invention because of the additional step that involves soaking the food product in a sugar solution before frying. The '355 patent teaches soaking the apple pieces or other vegetables, such as taros, in a sugar solution until the sugar permeates the pieces. (Column 2, lines 40-42) The fruit or vegetable pieces are soaked in the sugar solution for 15 to 20 minutes before being dried to a final moisture content of 6% to

8% and fried. In order to produce and preserve the snack food with the method described in the '355 patent the soaking of the food product in a sugar solution is essential.

Nowhere in the '355 patent does it teach, disclose, or suggest the elimination of the step requiring the fruit or vegetable to be soaked in a sugar solution. Without the soaking in the sugar solution step the fruit will have an altered taste and degrade at a faster rate causing discoloration of the food product. The sugar solution helps the fruit to hold its shape, color, and flavor. The sugar from the solution moves into the tissue and provides assistance in keeping the fruit firmer and nearer its natural state. The sugar solution of the '355 patent is an essential step that cannot be eliminated. Elimination of sugar solution soaking step will cause the resultant food to have altered flavoring and coloring compared to the original natural product. Conversely, the pending claims do not teach soaking the food product in a sugar solution and therefore are not made obvious by the teachings of the '355 patent.

The present invention teaches in Claim 17 and 18 a sautéed onion that is formed by cutting the onion into 1/8 inch cubed pieces to slices, caramelizing the pieces by sautéing the pieces with a sautéing agent, and lowering the final amount of total moisture content to less than 7% by weight. Claim 20 is similar to Claims 17 and 18 except it is directed to a sautéed vegetable. The sautéed vegetable is formed with the same process as discussed in Claims 17 and 18. Nowhere in the present claims is the onion/vegetable soaked in a sugar solution and later fried to produce the resultant food product. Therefore the claims are not made obvious by the teachings of the '355 patent.

Also, the '355 patent does not teach, suggest, or disclose sautéing the vegetable to produce the resultant food product. The food product of a dehydrated fried snack food from apples, as taught in the '355 patent is produced by frying the apple pieces in oil for 3 to 4

minutes. The cooking method of frying as taught in the '355 patent can be distinguished from that of sautéing as taught in the present invention. Frying is a method of cooking that places the food in the fat/oil and the fat/oil is the conduit for the heat whereby causing the heat of the oil to cook the food product. Fried food products exhibit a fried flavor and are darker in color. It produces a food product that can be distinguished from one produced by means of sautéing (page 1, lines 19-23 of the present application).

Conversely the present invention teaches sautéing, which differs from frying because it uses a very little amount of fat/oil, just enough to keep the food from sticking. It is a cooking method that uses the heat of the pan, or in the present invention the air, to cook the food product. The food product produced is one desired by the consumer for its desirable sautéed flavor.

The Examiner also raised an objection with regard to Claim 19. If a dependent claim relies on an allowable independent claim that dependent claim should also be allowed. Claim 19 is dependent on Claim 17 and therefore because of the arguments used to overcome the rejection of Claim 17, Claim 19 should also be allowed.

For the above discussed reason, it is asserted that nowhere in the cited reference does it teach, suggest, or disclose, either alone or in combination, the claims of the present invention. In particular, a sautéed vegetable product that is caramelized with a moisture content equal to or less than 7% by weight.

III. Conclusion

Should the Examiner have any questions or comments as to the form, content, or entry of this paper, the Examiner is requested to contact the undersigned at the telephone number below. Similarly, if there are any further issues yet to be resolved to advance the prosecution of this application to issue, the Examiner is requested to telephone the undersigned counsel.

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Amdt dated _____

Reply to Office Action of Oct. 2, 2003

PATENT

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Allowance of all pending claims, claims 1 through 21 are respectfully requested.

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